

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25328 of 2017
and
W.M.P.Nos.26789 & 26790 of 2017
and
W.M.P.No.6536 of 2018

The President
Cuddalore & Villupuram Districts Treasury
Accounts Department Employees Cooperative
Credit and Thrift Society Ltd., F.C.2761
...Petitioner

vs

- 1.The Secretary to the Government of Tamil Nadu,
Co-operation, Food and Consumer Protection
Department,
Chief Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Regional Joint Registrar of Cooperative Societies,
Cuddalore.
- 3.Mrs.S.Geetha ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for all the records pertaining to the Government Order vide letter.No.13517/CP2/2017-1, dated 09.08.2017 passed by the 1st Respondent and quash the same and subsequently direct the 1st Respondent to taken on file the Petitioner Society's Revision Petition filed on 20.07.2017 and the condone delay petition filed on 24.07.2017 against the order vide Na.Ka.No.1040/2016/Thu.Va.Tha.1 dated 18.11.2016 passed by the 2nd Respondent for hearing.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Cooperatives) for R1 & R2
Mr.K.Govindaraj for R3

O R D E R

The order impugned passed by the 1st respondent in proceedings dated 09.08.2017, states that the Revision Petition filed by the writ petitioner under Section 153 of the Tamil Nadu Cooperative Societies Act is time barred and accordingly, the same has been rejected.

2.The learned counsel appearing on behalf of the writ petitioner states that the 2nd respondent/The Regional Joint Registrar of Cooperative Societies modified the punishment imposed by the original disciplinary authority of the Cooperative Society. Challenging the said modification order, the writ petitioner preferred a Revision Petition under Section 153 of the Tamil Nadu Cooperative Societies Act before the 1st respondent. There is a delay of 154 days. On account of delay, the Revision Petition has been rejected.

3.This Court is of an opinion that the 1st respondent is the final authority in respect of the adjudication of the issues under the provisions of the Tamil Nadu Cooperative Societies Act. If the Revision Petition is rejected merely on the ground of delay, the rights of the parties would be prejudiced and the delay is not so enormous and it is 154 days. Thus, the 1st respondent ought to have entertained the Revision Petition and decided the matter on merits and in accordance with law. The statutory appeal being a vital one for the parties to redress their grievances, such Revision Petitions cannot be rejected merely on account of small delay. If there is an excess delay in filing the Revision Petition, then the authorities competent shall take a decision to reject Revision Petitions on the ground of delay.

4.In the present case on hand, the delay is 154 days and therefore, this Court is inclined to consider the present writ petition on hand and accordingly, the impugned order passed by the 1st respondent in Letter.No.13517/CP2/2017-1 dated 09.08.2017 is quashed and the Revision Petition filed by the writ petitioner shall be taken on file for hearing and accordingly, the 1st respondent is directed to issue notice to all the parties concerned, hear the matter and pass orders on merits and in accordance with law within a period of four Months from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government of Tamil Nadu,
Co-operation, Food and Consumer Protection
Department,
Chief Secretariat, Fort St. George,
Chennai - 600 009.
2. The Regional Joint Registrar of Cooperative Societies
Cuddalore.

+1cc to the Government Pleader Sr.57887

+1cc to Mr.A.Suresh Sakthi murugan, Advocate Sr.58488

W.P.No.25328 of 2017

sj[col]
srg 6/9/2018

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